

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY LITIGATION

MDL No. 2545
Master Docket Case No. 1:14-cv-01748
Honorable Matthew F. Kennelly

This document relates to:

MARTIN FINK

Plaintiff

v.

**ABBVIE INC.,
ABBOTT LABORATORIES,
ABBVIE PRODUCTS LLC,
UNIMED PHARMACEUTICALS, LLC,
BESINS HEALTHCARE INC., and
BESINS HEALTHCARE, S.A.**

Defendants

Case No.: 1:17-cv-7692

**MASTER SHORT-FORM COMPLAINT
FOR INDIVIDUAL CLAIMS**

1. Plaintiff Martin Fink states and incorporates by reference the portions indicated below of Plaintiffs' Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545. Plaintiff is filing this Short Form Complaint as permitted by Case Management Order No. 20 of this Court for cases filed directly into this district.

2. In addition to the below-indicated portions of the Master Long Form Complaint adopted by the Plaintiff and incorporated by reference herein, Plaintiff hereby alleges as follows:

VENUE

3. Venue for remand and trial is proper in the following federal judicial district: **The Middle District of Florida.**

IDENTIFICATION OF PLAINTIFF AND RELATED INTERESTED PARTIES

4. Name and residence of individual injured by Testosterone Replacement Therapy product(s) ("TRT"): **Martin Fink
254 Jellison Rd.
St. Augustine, Florida 32080**
5. Consortium Claims: The following individuals allege damages for loss of consortium: **(None)**
6. Survival and/or Wrongful Death claims:
- a. Name and residence of Decedent when he suffered TRT-related injuries and/or death: **(Not Applicable)**
- b. Name and residence of individual(s) entitled to bring the claims on behalf of the decedent's estate (e.g., personal representative, administrator, next of kin, successor in interest, etc.)
(Not Applicable)

**CASE SPECIFIC FACTS
REGARDING TRT USE AND INJURIES**

7. Plaintiff currently resides in (city, state):
St. Augustine, Florida
8. At the time of the TRT-caused injury, Plaintiff resided in (city, state):
Orlando, Florida
9. Plaintiff began using TRT as prescribed and indicated on or about the following date: **January 2009**
10. Plaintiff discontinued TRT use on or about the following date:
Approximately Jan - Feb 2012

11. Plaintiff used the following TRT products:

- | | |
|--|---|
| <input checked="" type="checkbox"/> AndroGel | <input type="checkbox"/> Striant |
| <input type="checkbox"/> Testim | <input type="checkbox"/> Delatestryl |
| <input type="checkbox"/> Axiron | <input type="checkbox"/> Other(s) (please specify): |
| <input type="checkbox"/> Depo-Testosterone | _____ |
| <input type="checkbox"/> Androderm | _____ |
| <input type="checkbox"/> Testopel | _____ |
| <input type="checkbox"/> Fortesta | _____ |

12. Plaintiff is suing the following Defendants:

- | | |
|---|---|
| <input checked="" type="checkbox"/> AbbVie Inc. | <input type="checkbox"/> Endo Pharmaceuticals, Inc. |
| <input checked="" type="checkbox"/> Abbott Laboratories | <input type="checkbox"/> Auxilium Pharmaceuticals, Inc. |
| <input checked="" type="checkbox"/> AbbVie Products LLC | <input type="checkbox"/> GlaxoSmith Kline, LLC |
| <input checked="" type="checkbox"/> Unimed Pharmaceuticals, LLC | |
| <input checked="" type="checkbox"/> Besins Healthcare Inc. | <input type="checkbox"/> Actavis, Inc. |
| <input checked="" type="checkbox"/> Besins Healthcare, S.A. | <input type="checkbox"/> Actavis Pharma, Inc. |
| | <input type="checkbox"/> Actavis Laboratories UT, Inc. |
| <input type="checkbox"/> Eli Lilly and Company | <input type="checkbox"/> And, Inc. |
| <input type="checkbox"/> Lilly USA, LLC. | |
| <input type="checkbox"/> Acrux Commercial Pty Ltd. | |
| <input type="checkbox"/> Acrux DDS Pty Ltd. | |
| <input type="checkbox"/> Pfizer, Inc. | |
| <input type="checkbox"/> Pharmacia & Upjohn Company Inc. | |

Other(s) (please specify):

None

13. Plaintiff is bringing suit against the following Defendant(s) who did not manufacture TRT and only acted as a distributor for TRT manufacturers:

None

a. TRT product(s) distributed: **(not applicable)**

b. Conduct supporting claims: **(not applicable)**

14. TRT caused serious injuries and damages including but not limited to the following:

Anterior-wall myocardial infarction

15. Approximate date of TRT injury:

On or about February 13, 2012

**ALLEGATIONS, CLAIMS, AND THEORIES OF RECOVERY
ADOPTED AND INCORPORATED IN THIS LAWSUIT**

16. Plaintiff hereby adopts and incorporates by reference as if set forth fully herein, all common allegations contained in paragraphs 1 through 466 of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545.

17. Plaintiff hereby adopts and incorporates by reference as if set forth fully herein, the following damages and causes of action of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Count I – Strict Liability – Design Defect |
| <input checked="" type="checkbox"/> | Count II – Strict Liability – Failure to Warn |
| <input checked="" type="checkbox"/> | Count III – Negligence |
| <input checked="" type="checkbox"/> | Count IV – Negligent Misrepresentation |
| <input checked="" type="checkbox"/> | Count V – Breach of Implied Warranty of Merchantability |
| <input checked="" type="checkbox"/> | Count VI – Breach of Express Warranty |
| <input checked="" type="checkbox"/> | Count VII – Fraud |
| <input checked="" type="checkbox"/> | Count VIII – Redhibition |
| <input checked="" type="checkbox"/> | Count IX – Consumer Protection |
| <input checked="" type="checkbox"/> | Count X – Unjust Enrichment |

- ☐ Count XI – Wrongful Death
 - ☐ Count XII – Survival Action
 - ☐ Count XIII – Loss of Consortium
 - ☒ Count XIV – Punitive Damages
 - ☒ Prayer for Relief
 - ☐ Other State Law Causes of Action as Follows:
-

JURY DEMAND

Plaintiff demands a trial by jury as to all claims in this action.

Dated this Twenty-Fourth day of October, 2017.

RESPECTFULLY SUBMITTED
ON BEHALF OF PLAINTIFF,

/s/ James G. O'Brien
Signature

OF COUNSEL: (name)	James G. O'Brien (0088460)
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